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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,117	01/22/2004	Joseph L. DiCarlo		2510
40738	7590	08/22/2005		
JOSEPH L. DICARLO 7 PICKET TERRACE WHEELING, WV 26003			EXAMINER BENNETT, ZAHRA I	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/763,117

Applicant(s)

DICARLO, JOSEPH L.

Examiner

Zahra Bennett

Art Unit

2875

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Examiner's Amendment***

Claim 2 contains the informality 'led'. The examiner is assuming that is a typographic error and has changed it to 'LED.'

Claim 3 contains the phrase 'in switch'. The examiner is assuming that is a typographic error and has changed it to 'in which.'

### ***Claim Objections***

Claims 1-10 are objected to because of the following informalities:

Claim 1 is not a method therefore it should not begin with the phrase "A method for illuminating" instead it should begin with "An illuminated archery arrownock, saidnock installed in . . ."

Each of claims 2-10 should begin with the phrase "The illuminated . . ."

Claim 1 recites the limitation "said assembly" in Claim 1, line 8. There is insufficient antecedent basis for this limitation in the claim.

Claims 1 and 6 are objected to as being unclear. Claim 1 contains the word "components"(line 9) however it is unclear which "components" it is referring. Claim 6 contains phrases that are ambiguous. For example, the phrase "is provided as a means of weatherproofing" does not clearly explain the means by which the device is

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weatherproof. Claim 6 also has the phrase "under all normal hunting conditions", it unclear what is meant by normal hunting conditions.

Regarding claim 4, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 5 and 9 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 7 has the sub-claim a, it is recommended that the sub-claim is re-lettered as sub-claim, i.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. Articles such as "a" or "the" are consistently missing from within the claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in the public use (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Call et al (US Patent 5,134,552). Call teaches a light diffusing translucent or clearnock (Figure 5: 16), a power source (78), an LED light source (58), a single pole switch (68, 81), a dowel (80) fitted in tubular arrow shaft (13) as a means of limiting forward travel of the assembly, an end cap (46) provided as a means of protection for the battery and components, an anchor pin (52) as a means of joining the components as a single unit, and a hole (98) to accept the anchor pin. Call also teaches that the battery (78), LED (58), switch (68), and collar (104) are a combined unit (Figure 4). Call further teaches a means that is provided for the illumination of the LED (58) by compressing along the axis of the tubular arrow shaft (13) and therefore creating an on or “closed switch” position in order to energize the LED light source (Abstract, lines 15-20). Call further teaches an end cap (48) made of medium dense plastic or other like material which is counter bored to accept insertion of said battery and is provided as a means of preventing damage and to absorb shock of the shock components creating a cushion effect along with adding protection and structural support of the batteries fragile thin wall aluminum construction (Column 6, lines 4-8). Call further teaches an anchor pin (Figure

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5: 52) provided as a means of joining the components to the nock (16), a translucent or clear nock as means of diffusing light from a LED light source (Column 7, lines 66+) where an illuminated nock (16) can be turned on to the on or "closed switch" position from forward pressure created from the string when the shot from a bow or a crossbow (Column 6, lines 16-23), a hole (98) in nock (16) and collar (104) as a means of accepting an anchor pin (52), and an LED light source (58) is provided to transmit light through the nock assembly (Column 7, lines 66+).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call as applied to claim 1 above, and further in view of Carissimi (US Patent 4,340,930).

With respect to claim 6, Carissimi discloses a switch (Figure 3: 61) that is manually turned on by the user (Column 4, lines 46-51). It would have been obvious to one of ordinary skill at the time of the invention to include a manual switch within the device of Call, to offer the user an option in cases where the light may or may not be desired when using the device.

With respect to claim 8, Carissimi discloses that the nock (21) is removable from the arrow shaft (13). It would have been obvious to one of ordinary skill at the time of

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the invention to allow the light of Call, to remain lit once removed from the arrow shaft, in case the nock is detached from the arrow shaft, the user is able to retrieve it easily.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RENEE LUEBKE  
PRIMARY EXAMINER